



Request for City Council Committee Action From the Department of Public Works

Date: August 21, 2012

To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee

Referral To: Honorable Betsy Hodges, Chair Ways and Means/Budget Committee

Subject: **33rd Ave SE & Talmage Ave SE – Settlement Agreement with Victory and Vision, LLC**

Recommendation:

Authorize the proper City officers to execute a settlement agreement with Victory and Vision, LLC due to changes to their building access due to grade changes on 33rd Avenue SE. Payment for this settlement will be \$170,183.50. At the request of the property owner, Victory and Vision, LLC, the settlement agreement payment should be to Veit Container Corporation.

Previous Directives:

- January 14, 2011: Approval of the 33rd Ave SE and Talmage Ave SE Reconstruction Project Layout.
- April 15, 2011: City Council Resolution 2011R-180, Project Designation for Talmage Avenue SE.
- August 5, 2011: Authorize Public Works to negotiate to acquire easements and additional right of way if needed.
- August 5, 2011: Resolution 2011R-406, Transportation & Public Works Committee directed the City Engineer to proceed with a Variance Request for 33rd Ave SE to be reconstructed with less than minimum vertical curve lengths.
- October 21, 2011: Resolution 2011R-543, Resolution holds State of Minnesota harmless from the reconstruction of 33rd Ave SE to be reconstructed with less than minimum vertical curve lengths.
- December 9, 2011: Resolution 2011R-647 Project Designation for 33rd Ave SE.
- February 24, 2012: Passage of a resolution ordering the City Engineer to proceed with work and adopt special assessments.
- February 24, 2012 - City Council and Mayor granted approval of bids for OP# 7564, low bid of Belair Builders, Inc., in the amount of \$485,446.00.
- July 20, 2012 - City Council and Mayor granted approval of an amendment to the contract C – 35359 in the amount of \$149,780.00 from the current contract amount of \$485,446.00 to a revised contract amount of \$635,246.00.

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Larry Matsumoto, P.E., Transportation Maintenance and Repair, 919-1148

Approved by:

Steven A. Kotke, P.E., City Engineer, Director of Public Works

Presenters: Bob Carlson, P.E., Transportation Planning and Engineering

Reviews:	Permanent Review Committee (PRC):	Not Applicable
	Civil Rights Approval	Approval on 02/14/12
	Policy Review Group (PRG):	Not Applicable

Financial Impact:

Other financial impact.

Community Impact:

Neighborhood Notification: Not Applicable.

City Goals: "A Safe Place To Call Home: the city's infrastructure will be well-maintained; people will feel safe in the city."

Comprehensive Plan: Not Applicable.

Zoning Code: Not Applicable.

Background/Supporting Information

As a part of the design for the street improvements on 33rd Avenue SE, it was determined that the new street grades had to match the existing railroad track crossing on 33rd Avenue SE. In order to match the existing railroad tracks, and provide for new elevations along 33rd Avenue SE, the new street grade was to be built higher than the original street elevation on 33rd Avenue SE, resulting in a higher road elevation than previously existed. In order for the adjacent property owner, Veit Transfer Station, to continue to use their driveway on 33rd Avenue SE at this location, improvements were necessary to the Veit Transfer Station.

The property owner, Victory and Vision, LLC has provided written direction to have the payment for this settlement agreement directed to "Veit Container Corporation". This settlement agreement is to pay for the costs to make these changes. Project funds are available in 4100-9010937-CPV021PV.

CC: Gary Warnberg - Procurement
Heidi J. Hamilton – Public Works
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Tracy Lindgren – Public Works
Bob Carlson – Public Works
Beverly Warmka - Public Works
William Schroeder - Finance
Robin Hennessy – City Attorney